

DRAFT

A meeting of the New Hampshire Water Well Board was held on December 14, 2007 at 9:00 AM, in rooms 112 & 113, 29 Hazen Drive, Concord, NH, 03302.

Present were: Bart Cushing, Chairman

Rene Pelletier, Secretary

Board members: Peter Caswell, Jeffrey Tasker, Christopher Covell, Thomas Garside, and David Wunsch

Staff: Rick Schofield, Genevieve Al-Egaily, and Tara Johnson

Chairman Cushing brought the meeting to order at 9:04 AM and introduced the Board and staff members.

Approval of Minutes

Upon motion by Mr. Covell and seconded by Mr. Caswell, the Board unanimously voted to accept the Minutes of the October 19, 2007 meeting.

Old Business

Rules

Mr. Schofield reported that the Water Well Board Rules had been given to the Legal Unit for Gretchen Hamel to review. Once she has reviewed the Rules she would probably have comments that the Board will need to address. The updated schedule for the adoption of the Rules showed that, if the rule making process can be started by the end of February and there were no problems, the Rules may be adopted by June 13, 2008 the approximate date on which the current rules will expire. Mr. Schofield noted that this was a four month schedule, but the last time the Board went through this process it had taken eight months. This schedule does not take into account any time for the Board to respond to objections from the Joint Legislative Committee on Administrative Rules. If they do not approve the Rules at their first meeting, the Board will need to meet to put together a response. If the process does not go smoothly, the Board may need to adopt interim Rules which would be good for a period of six months.

The Board requested that an updated Rules adoption checklist be provided at each meeting. The Board also decided that if there were any preliminary objections to the draft Rules a meeting should be scheduled as soon as possible so that the objections could be addressed. They also requested that Mr. Schofield mail any documents that may need to be reviewed to the members so that they would have the opportunity to make comments even if they were unable to attend.

Previous Complaints

Charles Wojcik / Phil Brien Water Wells

Mr. Schofield reported that on October 26 a replacement well had been drilled for Mr. Wojcik by Derry Well Company. The well was 406 feet deep and yielded approximately 0.5 gallons per minute. They returned to the site the following Monday and the static water level was flowing over the top of the pipe. The well was flushed and a compressed air test was performed showing the yield to be approximately 1 gallon per minute.

Mr. Wunsch entered the meeting at 9:12AM.

On November 5 Mr. Wojcik called the office to report that he had no water and there was sand coming out of the tank. He explained that since the pump had been installed he had been flushing the tank for two hours each day. Mr. Brien was contacted about the problem and he had installed a new pressure gage. He then ran the pump at 8 gallons per minute for a period of time and the water continued to flow over the top of the pipe.

The matter was closed by the Board.

New Complaints

Sandra & Stephen Surico / MainLine Well & Pump Services

Mr. Schofield reported the Board had received a complaint on November 2 from Sandra and Stephen Surico against MainLine Well & Pump Services. The Surico's had lost water pressure on August 28th and called MainLine Well & Pump Services. A service technician from Mainline came the next day and looked at both of the existing wells. The technician's diagnosis led the Surico's to believe that the well had collapsed and that both wells were dry. They determined that neither well could be hydro-fractured because access to the wells was limited. In conjunction with Wragg Brothers Drilling, Mainline determined that a new well was necessary and that it needed to be placed in a more accessible location. After drilling 1505 feet and obtaining a limited yield the work was halted. The existing wells had recovered and the Surico's questioned the necessity of drilling a new well. The Surico's now feel that they should receive a \$5000 reimbursement of from Mainline.

Mr. Schofield stated that he had looked at the well reports for the original two wells and he reported that the first well was 500 feet deep with a yield of 1 gallon per minute. The second well originally yielded 0.75 gallons per minute before it was first hydro-fractured. After the well was hydro-fractured the yield was reported to be 2 gallons per minute. The well was deepened to 800 feet in 1996. Before deepening the yield was measured at 0.5 gallons per minute and after the deepening the yield was 1 gallon per minute. The well was hydro-fractured again and the yield increased to 1.5 gallons per minute.

The Board invited the Surico's to the table.

Sandy Surico stated that they felt that they had been mislead and at a considerable expense. They also only found out two weeks ago that a waiver was required because the well was located too close to the property line. The lack of professionalism and being mislead about needing a new well were the reasons for the complaint. Mr. Surico stated that he felt that the contractor should have told them about the need for a waiver prior to drilling the well. Mr. Surico stated that the technician first tested the wires and amps and then saw the wire was tight and felt that the pitless adapter may have slipped down. He stated that most of the time this happened because the well had collapsed. He tested the static water level by dropping a rock and timing how long it took before hearing the rock hit the water. He came to the conclusion that both wells were dry and that they were not viable. He stated that the pump had not been pulled out of the well because a truck would have had to be driven over the lawn or septic system causing damage to the lawn and landscaping. Mr. Surico stated that the technician told him to make the wells viable they

would need to be hydro-fractured which meant driving over the septic system or lawn damaging the landscaping in the front of the house. After looking at all of the costs associated with making the old wells viable they inquired about the costs of drilling a new well. They were never told that they needed a new well. That decision was left up to them but because they were told the well had collapsed and the wells were not going to be viable they decided to drill a new well.

Mr. Pelletier entered the meeting at 9:30AM.

Mr. Surico stated that Jeff, the service technician, left and was going to calculate the cost of a new well before they made any decisions on what they wanted to do. Considering the lack of viability of the old wells and receiving the estimate for a new well. Mr. Surico stated that they decided to go forward with drilling a new well. After drilling to 1500 feet and only obtaining a yield of one gallon per minute the work was stopped because of the costs. Mainline had renegotiated with Wragg so that the Surico's would not be charged the higher drilling fee for the deep drilling. Despite the renegotiation the costs associated with finishing the well had gone up because of the depth, the need for a larger pump and wire, and the fact that the bedrock was too shallow to excavate to a depth sufficient to avoid frost. Also the original wells had recovered. They stated that they had informed Mainline that their well had recovered and eventually they had called another company that had worked on the original wells and they were told that the well had not collapsed.

Mr. Wunsch left the meeting at 9:44AM to attend another meeting.

The Board noted that in the response to the complaint Mainline stated, that Mr. Surico did not want the Pump Tech installed because he had just spent a lot of money on his new lawn and would not be able to water the lawn as you would like.

Mr. Surico stated that he had not said that it was a new lawn.

The representative from Mainline was invited to the table.

Richard Matckie stated that they received the no water call on the August 28th and they asked the Surico's to leave the water off until tomorrow when the technician could look at the situation. When the technician went out to the Surico's the next day there was still no water. The static was determined by dropping a rock and timing how long it took for the rock to hit water. Mr. Matckie stated that the service technician "Jeff" had never written that the well had collapsed on any of the invoices. He believed the technician never said that the well had collapsed but that it had been offered as a possible explanation for the lack of water along with the possibility that the well had ran out of water. The Surico's were given the opportunity to hydro-fracture the well, drilling new well, or pull the pump to see what was going on. Mainline had also offered to install a Pump Tec on an invoice that the Surico's did not send to the Board. As soon as Mr. Surico heard that we would need to drive across his lawn he wanted a new well. Mr. Surico said (to Mainline) that he spent a lot of his money on his lawn and he couldn't use his well so he wanted a new well. After drilling to 800 feet the Surico's stated that they wanted to know what was going on because they were able to use their old well. The reason we (Mainline) are here is because we went down 1500 feet.

The representative from Wragg Brothers Well Drilling Company was invited to the table.

Ian Guthrie stated that he had been contacted to see if the wells would be accessible for hydro-fracturing or deepening. He stated that they could get around a septic system but there was no guarantee that they could access the wells because the site was very steep and they leave ruts in the lawn.

The Surico's stated that the water was restored the next morning after the well was dry and that the Pump Tec invoice was not presented to the board because it was immediately discounted by the service technician Jeff.

The Board asked the Surico's to return to the table and asked them several other follow-up questions including why they had proceeded with drilling a new well if you knew the old well had recovered.

Mr. Surico stated that they had gone forward with drilling a new well because they had already made the decision to drill the new well and because the old wells would not be sufficient in the long run. He stated that they were willing to accept the \$10,000 price tag for a new well because the two existing wells were not sufficient. The decision for the new well was not because the old wells were bad but was because they wanted a new well.

The work on the new well had to be stopped before it was finished because of the cost, and there was no estimate for the additional work. The depth to bedrock was too shallow requiring different and more expensive materials to be used or to bring in heavy equipment to break up the bedrock, causing more damage. The Surico's stated that they had been offered the opportunity to hydro-fracture the new well when it was at about 600 feet. However Wragg Brothers had stated that they had tried to hydro-fracture a well down the street and they were unsuccessful. Mr. Surico stated that they were hoping to get at least two gallons per minute.

The Board gave the parties the opportunity to try to settle the matter amongst themselves before the Board made any decisions.

After some deliberation the parties returned and Mrs. Surico stated that they had come to a settlement. The Surico's agreed to sign the Non-Conforming Well Location Form. Mainline would not receive any additional payments and the Surico's would not receive a refund. Mrs. Surico stated that they still felt that Mainlines methods and business practices were not professional.

The Board requested that they be notified in writing that the matter had been settled.

Reporting

Incomplete Reports (Sent Back)

Mr. Schofield reported that the response to the Sent Back program started in January 2007 had been very good. Most of the companies responded to the sent back program by completing and returning many or all of the reports that were returned to them. Only Faxon's Artesian Wells & Pumps and Judd Goodwin Well Drilling had not responded. Three reports had been returned to Faxon's Artesian Wells & Pumps and 21 had been returned to Judd Goodwin Well Drilling. Mr. Schofield suggested that a letter be sent to them asking that they complete and return the reports.

If they do not respond, a Letter of Deficiency would then be sent and if there was still no response the matter should become an issue of enforcement and an Administrative Order or Administrative Fine could be implemented.

The Board decided that the incomplete reports should initially be sent back with a cover letter requesting a response within 30 day. If there was no response then a Letter of Deficiency should be sent followed by enforcement action if necessary. The Board also requested that they continue to be updated on this program.

Mr. Schofield reported that in an attempt to capture missing data 522 old reports, which had been backlogged for several years, had been sent back to perspective licensees on November 1, and the response on these reports dating from the year 2000 to 2006 had not been as good. Of the 522 reports that were sent out only 297 were sent back. There were quite a few companies that had not responded. Mr. Schofield stated that he did not feel that this was a matter for enforcement as DES staff only wanted to try to collect the missing information.

Mr. Schofield noted that because of the quantity, none of the older reports were sent back to Judd Goodwin Well Drilling. There were 280 reports that were incomplete, 80 of the reports were missing only the well logs. The rest of the reports were missing the well logs and other data such as the complete address, depth or yield. Mr. Schofield recommended that the reports be returned for all of the missing data except for the well log information as he did not believe that the well log data would be available. He noted that the new reports were being filled out including the well log section.

The Board decided not to request the well log information from Judd Goodwin Well Drilling on the old reports. However, all other data missing on the reports would need to be reported within 30 days.

Interim Well Completion Report

Mr. Schofield reported that an interim well completion report form had been developed and that the latitude and longitude had been moved to the body of the report. In the proposed use section a check box for monitoring well had been added as there would no longer be a separate report for monitoring wells. Also a section had been added to the back of the form explaining the new requirement under the law. Mr. Schofield requested the Boards approval for the interim report. Mr. Schofield also noted that some companies were reporting coordinates obtained from Google Earth or from Nextel cell phones, and he was unsure of what datum and coordinate system they use.

The Board made several suggestions for additional changes that should be made to the report.

Licensing

New Applicants

The Board invited David Quagliaroli to the table and asked him about his references and experience installing pumps.

Mr. Quagliaroli stated that he had been installing pumps in Massachusetts since 2001 and that he had installed 300-400 pumps. However he had not attended any pump installation schools or courses because Massachusetts did not require a license or continuing education to install pumps.

The Board voted to allow Mr. Quagliaroli to sit for the pump installer exam.

The Board reviewed Andrew Stevens' application and voted unanimously to allow Mr. Stevens to sit for the well driller's exam.

Mr. Schofield reported that he had investigated a complaint against William Gould for drilling a well too close to a neighbor's well. Mr. Gould had not yet received a water well contractor license.

The Board invited William Gould to the table and asked him to address the issue of drilling without a license.

Mr. Gould stated that he had not actually been drilling. He had setup his equipment and installed one piece of eight inch pipe into the ground so that he would be ready to drill once he received his license. He stated that they had only worked for 3 hours that day.

The Board voted unanimously to allow William Gould to sit for the exam.

The Board considered the application of Richard Bonetti and voted unanimously to allow him to sit for the well driller's exam.

Because of a pre-existing business relationship Chairman Cushing abstained from the vote on the application of Jeff Wilder.

The Board noted that Jeff Wilder's application had not been notarized.

Contingent on having the application notarized, the remaining board members voted unanimously to allow Jeff Wilder to sit for the exam.

Mr. Schofield noted that there had been some enforcement actions taken against Mr. Schwed in the past. An administrative fine had been issued against Mr. Schwed for failure to file three well completion reports, and in 2002 the Board suspended his license for six months for failure to submit an exemption for working without a license after the company's license holder had passed away. In 2003 an Administrative Order was issued to Mr. Schwed to cease and desist with his advertisement for work constructing wells and installing pumps without a license.

Mr. Pelletier noted that, if Mr. Schwed received a new license and if there were any future violations the Board should consider taking action against his license because of his history.

Because of a pre-existing business relationship Chairman Cushing abstained from the vote on Stephen Schwed's application of a new license.

The remaining board members voted unanimously to allow Stephen Schwed to sit for the exam.

New Business

Mr. Schofield notified the Board that he had sent a letter to Lucas Leighton informing him that a license was required to construct wells and install pumps.

Mr. Pelletier informed the Board that he was receiving numerous complaints from the Subsurface Systems Bureau that wells were being installed in locations that were not the approved location, causing the septic system not to be approved. He requested that the issue of well placement be addressed in the next newsletter.

The Board was asked to consider looking into the safety and liability issues of using low yielding standing column geothermal wells for domestic uses.

Mr. Schofield asked the Board for their approval to assist Mark Hilbert in running an electrical training continuing education class for pump installers.

The Board decided that they did not want the board's resources to be involved in conducting continuing education classes.

The meeting was adjourned.